



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-084

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Neither the statute (s. 119.23 (2) (a) 6. c., Stats.) nor the rule defines or describes the term “teaching” for the purpose of determining whether a person is eligible for a waiver because they have been “teaching for at least five consecutive years.” A definition of what constitutes “teaching” in the rule would be helpful.

b. Section PI 35.07 in its title refers to “administrator, teacher, and teacher aide requirements.” The rule also purports to apply to teacher aides in s. PI 35.07 (1). However, it is not clear that the statutory reference in s. 119.23 (2) (a) 6. c., Stats., includes teacher aides. Moreover, s. 119.23 (1) (d), Stats., expressly defines “teacher” to mean “a person who has primary responsibility for the academic instruction of pupils.” If the agency retains the language of the rule, a specific statutory basis should be cited that supports the application of the provision to teacher aides. This comment also applies to inclusion of administrators in the rule.